

**REMARKS****I. Status of the Claims**

Claims 1-8 and 10 are all the claims currently pending. The Applicant notes with appreciation the Examiner's indication of allowable subject matter with regard to claim 2.

By this Amendment, claim 9 has been canceled without prejudice or disclaimer and claims 1, 3 and 10 have been amended. No new matter has been introduced by this Amendment.

**II. Rejections under 35 U.S.C. §112, ¶2**

Claims 9 and 10 have been rejected under 35 U.S.C. §112, second paragraph for being indefinite. Applicant has amended claim 10 to delete "pan shape." Thus, reconsideration and withdrawal of the rejection to claim 10 is respectfully requested. Claim 9 has been canceled rendering the rejection moot.

**III. Rejections Under 35 U.S.C. §102**

Claims 1 and 3-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by the Seiko reference. The Applicant traverses the above rejections for the following reasons.

As amended, claim 1 is directed to a electrophoretic display including an electrode configuration wherein said second electrode is constituted by a first portion along said second substrate and a second portion extending from the first portion toward said first substrate.

Conversely, Seiko (JP 2002-139749) merely leaches or suggest (first and second) electrodes having a planar (stripe) shape, a linear shape, or a dot shape. Accordingly, Seiko fails

to teach or suggest such an electrode that it is constituted by a first portion along the second substrate and a second portion extending from the first portion toward the first substrate as in the claimed electrophoretic display.

Accordingly, the Applicant believes that independent claim 1 as well as their dependent claims, are patentable over Seiko.

#### **IV. Objection to Claim 2**

The Examiner has objected to claim 2 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Based on the above proposed amendments to claim 1, reconsideration and withdrawal of the objection of claim 2 are respectfully requested.

#### **CONCLUSION**

Based on the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees that may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-5186.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-5186.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

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